

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

HEATHER BULLINGTON,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. 3:13-CV-00051
	§	
FRANK'S DIXIE MEAT CENTER &	§	
CATERING, <i>et al</i> ,	§	
	§	
Defendants.	§	

ORDER

This lawsuit arises from allegations that Defendants, Frank’s Dixie Meat Center & Catering and Frank Ghinaudo, failed to pay Plaintiff Heather Bullington the minimum wage and overtime wages required by the Fair Labor Standards Act. Defendants assert an “unclean hands” affirmative defense in their Original Answer. Docket Entry No. 5 ¶ 25. Bullington now moves to strike the affirmative defense pursuant to Federal Rule of Civil Procedure 12(f) because Defendants failed to allege any factual support for it. *See* Docket Entry No. 6.

As an initial matter, it is unclear if Defendants are still pursuing the unclean hands defense given that they have not responded to Bullington’s motion to strike, even though the response was due roughly a month ago, on May 6, 2013. In any event, the Court concludes that Defendants’ barebones defense that “Plaintiff has ‘unclean hands,’” Docket Entry No. 5 ¶ 25, is insufficient to meet the pleading

requirements of Rule 8. *See Home Mgmt. Solutions, Inc. v. Prescient, Inc.*, No. 07-20608-CIV, 2007 WL 2412834, at *4 (S.D. Fla. Aug. 21, 2007) (striking unclean hands defense due to lack of factual support); *Groves v. Dury*, No. 2:06-cv-338-FtM-99SPC, 2006 WL 2556944, at *2 (M.D. Fla. Sept. 1, 2006) (“[D]efendant’s mere assertion of ‘Plaintiff’s claims are barred in whole or in part by virtue of their own unclean hands’ sets forth no facts and is insufficiently plead.”).

Accordingly, the Court **GRANTS** Bullington’s motion to strike (Docket Entry No. 6) and **STRIKES** the unclean hands defense **WITHOUT PREJUDICE** to Defendants reasserting it with some factual support.

IT IS SO ORDERED.

SIGNED this 5th day of June, 2013.



Gregg Costa
United States District Judge